

Southern District of New York

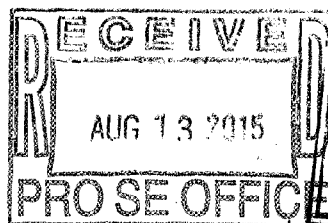
SEAN Doughty

Plaintiff

- V -

City of New York, et. al

14 CV 8469



SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8/12/15

Petition

To the Supreme Court of the state of New York:

The Petitioner of SEAN Doughty respectfully alleges that
1) This is a special proceeding brought pursuant to Amended Complaint and Article 78 of the CPLR Practice LAW AND RULES (CPLR).

2) Pursuant to CPLR ^{VENUE} § 7804 and 506(b), venue of this proceeding is the Southern District of New York, because this is where the incident took place, in New York County.

3) This Petition challenges a possession case that took place in New York County on December 31, 2013, and then later on dismissed July 10th, 2014. During that time, I petitioner SEAN Doughty was incarcerated and had got a parole violation and ~~parol~~ revoked on another case.

4) The Petitioner SEAN Doughty is an inmate presently incarcerated in the custody of the New York State Department of Corrections (herein after referred to as DOCS) at Downstate Correctional Facility, P.O. Box F, Red Schoolhouse Road, Freshkill, New York, 12524-0445.

5) Respondent Shawn Wilkinson, shield No. 4059, New York City Police Department, Manhattan North Precincts, 1 Police Plaza, New York, N.Y. 10007 is my arresting officer.

6) Respondent Steven Garraway, shield No. 2866, New York City Police Department, Manhattan North Precincts, 1 Police Plaza, New York, NY 10007 is the other officer who was present for my arrest.

FACTS

7. On December 31st at approx 2:20am, I Petitioner Sean Doughty, just got off from overnight shift from work, and stopped at the Deli on the corner of 144th Street and Adam Clayton Blvd. As I ordered my food and stepped out of store to smoke my cigarette a random male

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Approached me and asked for a light. I proceeded and gave him a light. He then states "Yo man do you know where I can find some... Loud (weed) at." I stated "No but go check them dudes around the Corner they might could help you cause I don't indulge." I then went back in the store after I tossed my cigarette to get what I ordered and then proceeded to walking home. As I turn the Corner of 145th and Adam Clayton Blvd. I bumped into a old friend. As we are talking and walking towards 8th Avenue, 2 cars doors bust open with 8 guys pointing weapons at my head telling me "Don't move or I'll shoot". I didn't know they were officers until after I was man handled and patfrisked, that's when they pulled they badge out and identified themselves. I was then told "That I fit the discription of a robber that just nabbed someone on 140th and Lenox Avenue." A black van then pulled up in front of me. And then the officer's were paged via walkie talkie stating "Take him in, that's him." Officer/Detective Shawn Wilkinson and Detective Steven Gansow then roughed me into there vehicle and then drove around to pick up other people while I waited in the vehicle. Once we reached the precinct I was told "You in for possession and sale of marijuana and you on parole, so I can make sure you get the max for the case, plus violation from parole, but if you gave us some information I'll let you go home now with the other guys". I then shook my head because the guy "Church" that they wanted information on from me, I didn't know him, he just lived one block away from me. "Detective Gansow and Detective Wilkinson then processed me to go to Central bookings because I had nothing for them. Later on that night on Dec 31, 2013 I saw the Judge and was ordered to be held on, with bail set at 10,000 dollars. For 221.40 A misdemeanor sale in 4th degree. For the record note that no evidence whatsoever was ever offered as to whether the alleged controlled substance had even been subjected to Chemical Analysis. Case was then dismissed 7 whole months later due to these facts.

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Therefore, The petitioner respectfully asks the court to not dismiss
the case And request a judgement due to Amended Complaint.

Dated: August 6th, 2015
Dutchess County, New York



SEAN DAUGHTY PRO SE

Verification

State of New York)ss;
County of Dutchess

Sean Daugherty, being duly sworn, deposes and says that he is the Petitioner in within proceeding; that he has read the foregoing Petition and knows the contents thereof; that the same is true to his knowledge, except as to matters therein stated to be alleged on information and belief and that as to those matters, he believes them to be true.

Sean Daugherty
Petitioner

Sworn to before me this 6 day
of August, 2015.

Notary Public

CARMILE PRINGLE
NOTARY PUBLIC, STATE OF NEW YORK
REG. NO. 01PR6092127
QUALIFIED IN DUTCHESS COUNTY
COMMISSION EXPIRES 05-12-16

DOWNSTATE CORRECTIONAL FACILITY

BOX F

RED SCHOOLHOUSE ROAD

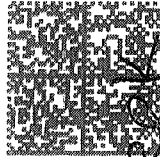
FISHKILL, NEW YORK 12524-0445

NAME: DEAN Doughty DIN: 15A2712

DOWNSTATE



CORRECTIONAL FACILITY



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New York State District Court
New York State District of New York
PEARL STREET
New York, N.Y. 10007-1312

LEGAL MAIL

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